Rev 3-23-07

AGENDA

BOARD OF COMMISSIONERS REGULAR MEETING 315 WEST SECOND STREET FRANKFORT, KY 40601 502/875-8500 March 26, 2007 5:30 P.M. (EDT)

1. INVOCATION

Rev. Jackson Brewer, First United

Methodist Church

PLEDGE OF ALLEGIANCE

John Hammond

ROLL CALL

MINUTES

February 26, 2007 Regular Meeting; March 12, 2007 Special Meeting; March 12, 2007 Work Session; March 15, 2007 Work Session.

MAYOR'S REPORT

- 2. CEREMONIAL ITEMS
- 3. ORDINANCES
- **3.1 SECOND READING:** An Ordinance appropriating the revenue to be received by the City of Frankfort for 2006-2007 grant funds.

Purpose: To consider approval of an ordinance appropriating the expenditure of revenue to be received by the City of Frankfort for Homeland Security Grant Funds.

Background: After approval of the 2006/2007 budget the City of Frankfort was awarded a grant through the Kentucky Office of Homeland Security for the purchase of mobile data terminals and related computer equipment to be installed on fire and EMS vehicles. This grant is made available for operations of Hazmat-14 as established by the state. This Ordinance will amend the 2006/2007 budget to authorize payment for the equipment purchased in the amount of \$124,360.00. Per the reimbursement policy established by the Kentucky Homeland Security Office, the City is required to pay for the equipment received and will then be reimbursed within 30 days.

This Ordinance had its first reading on February 26, 2007.

Financial Analysis: \$124,360 in expenditure to be reimbursed by grant approval from the Kentucky Office of Homeland Security.

Recommendation: Approval

Attachments:

Ordinance

Contact Persons:

Name:Wallace PossichDeron RamboTitle:Fire ChiefDES Director

Dept.: Fire Fire

Phone: 502/875-8511 502/682-2726

E-Mail: <u>wpossich@frankfort-ky.gov</u> <u>drambo@frankfort-ky.gov</u>

3.2 SECOND READING: An Ordinance amending Ordinance No. 8, 1983 Series by amending the City of Frankfort Zoning Ordinance - Article 13, Section 13.11 Permits of the City of Frankfort's Zoning Ordinance.

Purpose: To amend the City's Zoning ordinance as recommended by the Frankfort/Franklin County Planning Commission and the Zoning Update Committee by amending the City of Frankfort Zoning ordinance - Article 13, Section 13.11 Permits of the City of Frankfort's Zoning Ordinance. Specifically, the request is to amend the permitting section of the sign regulations by adding an expiration date for sign permits.

Background: The City's Electrical Inspector requested that the sign permit section be amended to include language that specified when sign permits expire, similar to building permits.

On October 25, 2006, the Zoning Update Committee discussed the item and made minor changes (see double underline text). The committee supports the revised proposed text amendment.

13.11 Permits. A permit, issued by the Department of Planning and Building Codes, is required to erect all signs not explicitly exempted by the provisions of this article. Any sign for which a permit is issued shall have a footer inspection, if applicable, and final inspection prior to issuance of a certificate of completion. If the on-site construction and/or installation of the sign has not commenced within six-months after issuance of the sign permit, the permit shall become null and void, unless a six month extension is granted by the Planning Director.

On January 18, 2007, the Frankfort/Franklin County Planning Commission held a public hearing, closed the public hearing, approved the report as the findings rather than requesting a summary, and unanimously approved to recommend the City of Frankfort's Board of Commissioners to approve the proposed text amendment.

This Ordinance had its first reading on February 26, 2007.

Attachments:

- Proposed Ordinance amendment
- The report submitted to the Planning Commission
- Minutes of the January 18, 2007 Planning Commission meeting

Recommendation: Approval

Contact Person

Name: Gary Muller

Title: Planning and Building Codes Director

Department: Planning
Phone: 502/875-8513
Email: qmuller@fewpb.com

3.3 FIRST READING: An Ordinance appropriating the revenue to be received by the City of Frankfort for various grant funds into the 2006 - 2007 budget.

Purpose: The purpose of this item is to consider approval of an Ordinance appropriating the revenue to be received by the City of Frankfort for various grant funds into the 2006 - 2007 budget.

Background: After the 2006 - 2007 Budget for the City of Frankfort was approved by the City Commission the city received four grants. This ordinance would amend the 2006 -2007 budget to reflect these additions. See Ordinance for listing of grants.

Financial Analysis: These grant monies are reimbursable and should not add any financial burden to the city.

Attachment:

Ordinance

Contacts:

Name:Steve DawsonRebecca HallTitle:DirectorGrants ManagerDepartment:FinanceCity ManagerPhone:502/352-2083502/352-2076

Email: sdawson@Frankfort-ky.gov <u>rhall@Frankfort-ky.gov</u>

3.4 FIRST READING: An Ordinance establishing a Sewer Capital Recovery Program.

Purpose: To adopt an ordinance providing for the cost sharing between all properties benefiting from a particular sewer based upon percent of sanitary sewage flow, and provides for future connecting developers or property owners to pay their pro-rata share of the sewer construction cost upon making application with the City to connect to the sewer.

Background: KRS 96.539 mandates that city owned sewer utilities shall develop rules to govern extensions of service to unserved customers and areas. The City of Frankfort previous "Cost Recovery Ordinance" was repealed on February 28, 2000 (Ordinance No. 8, 2000 Series). This ordinance establishes a procedure for future developments to apply for Cost Recovery under certain provisions.

Financial Analysis: Adoption of this ordinance will have a positive impact on sewer revenue.

Recommendation: Approval

Attachments:

OrdinanceKRS 96.539

Contact Person

Name: William R. Scalf, Jr., PE

Title: Director

Department: Sewer

Phone: 502/875-2448

Email: wscalf@frankfort-kv.gov

3.5 FIRST READING: An Ordinance amending Frankfort Code of Ordinances Chapter 93 Fire Prevention.

Purpose: To amend the Ordinance to require each unit of a multi-tenant structure to have the unit numbers displayed, as well as the structure addresses. Also to amend this section to have the same wording as that of the Property Maintenance Code.

Background: It has come to our attention that some apartment or dwelling unit numbers are not properly marked with a unit number. Although each structure is already required to be properly addressed, the Fire Prevention Code at present does not require each unit number to be posted. This change is needed to ensure efficient location in the event of emergency response and to comply with the wording in the Property Maintenance Code.

Recommendation: Approval

Attachment:

Ordinance

Contact Person

Name: Wallace Possich
Title: Fire Chief
Dept.: Fire

Phone: 502/875-8511

E-Mail: wpossich@frankfort-Ky.gov

3.6 FIRST READING: An Ordinance amending the Frankfort Code of Ordinances, Chapter 150.05 Ordinance No. 27, 2005 series being the Property Maintenance Code, by amending Chapter 3, Section 304.3 Street Numbers.

Purpose: The purpose of this ordinance amendment is to amend the Property Maintenance Code referenced in the City's Code of Ordinances, Chapter 150.05 as recommended by the City's Fire Chief. This will make both City ordinances consistent.

Background: recently the Code Enforcement Board dismissed a citation relating to a multi-tenant building that did not have the individual units address posted. The Fire Chief requested that this be changed so all units and buildings contain the assigned street numbers.

Recommendation: Approval

Attachment:

Ordinance

Contact Person

Name: Gary Muller

Title: Director of Planning and Building Codes

Department: Planning and Building Codes

Phone: 502/352-2100

E-mail: Gmuller@frankfort-ky.gov

3.7 FIRST READING: An Ordinance amending Chapter 72 – Parking Regulations of the Frankfort Code of Ordinances.

Purpose: The purpose of this Ordinance is to revise the Parking Regulations of the City to update and specify parking violations, fines, and penalties.

Background: Recent discussions concerning parking in the downtown area have focused attention on the need to revise the parking ordinance to clarify and specify the types of violations and to increase fines and penalties for violators. This Ordinance provides details of the parking regulations for the City.

Recommendation: Approval

Attachment:

Ordinance

Contact Person:

Name:Rob MooreTitle:City SolicitorDepartment:City ManagerPhone:502/227-2271

E-Mail: rmoore@hazelcox.com

3.8 FIRST READING: An Ordinance rezoning property for a 5.686-acre parcel of property located at 770 Wilkinson Boulevard, more specifically described as PVA map #061-00-00-099.00, from General Industrial "IG" district to Planned Commercial (PC).

Purpose: Approval of the recommendation of approval by the Frankfort/Franklin County Planning Commission concerning a zone map amendment by Dreyer and Goedecke, Inc, represented by Mr. Charlie Jones— McNamara and Jones for a 5.686-acre parcel of property located at 770 Wilkinson Boulevard from General Industrial "IG" district to Planned Commercial (PC). More specifically described as PVA map #061-00-00-099.00.

Background: KRS requires that a public hearing be held by the Planning Commission and that the Planning Commission's recommendation be forwarded to the Local Government.

Should the City Commission desire to not follow the Planning Commission's recommendation, then the item is to be tabled and a request for a verbatim transcript of the Planning Commission meeting, which must be obtained before the item can be heard by the City Commission. The City Commission will then be required to make their own findings of fact based on the verbatim transcript or hold its own public hearing and then make findings of fact. Any action by the City Commission is to be limited to only the findings and testimony given during the Planning Commission hearing and no additional evidence or testimony is to be received unless a new public hearing is held by the City Commission.

On March 8, 2007, the Frankfort-Franklin County Planning Commission held a public hearing to consider a zone change request for this property. The public hearing was closed (no one present spoke in opposition to the zone map amendment) and the Planning Commission adopted the report as the summary. They then approved and adopted the 7 findings of fact as identified within the report, and motioned to recommend approval of a zone map amendment from General Industrial "IG" district to Planned Commercial (PC) based on the seven (7) findings of fact. The motion to recommend approval of the requested zone map amendment passed unanimously.

Recommendation: I recommend that the City Commission approve the recommendation of approval from the Frankfort/ Franklin County Planning Commission for a zone map amendment, from General Industrial "IG" district to Planned Commercial (PC) for a 5.686-acre parcel of property located at 770 Wilkinson Boulevard, with the PVA map #061-00-099.00.

Attachments:

- Ordinance
- Adopted Findings of Facts
- Staff Report reviewed by the Frankfort/Franklin County Planning Commission (Minutes from the March 8, 2007 meeting will be made available upon completion)

Contact Person

Name: Gary Muller

Title: Director of Planning and Building Codes

Department: Planning and Building Codes

Phone: (502) 352-2100 E-mail: Gmuller@fewpb.com

3.9 FIRST READING: An Ordinance amending Ordinance No. 2, 2000 Series, by adopting the amended Goals and Policies of the Frankfort/Franklin County Comprehensive Plan.

Purpose: Approval of the recommendation of approval by the Frankfort/Franklin County Planning Commission concerning the Goals and Policies of the updated Frankfort/Franklin County Comprehensive Plan.

Background: KRS requires that a public hearing be held by the Planning Commission and that the Planning Commission's recommendation be forwarded to the Local Government.

In October 2005, a 52-member committee of the Planning Commission (Comprehensive Plan Update Committee) was formed to begin the required five-year review of the adopted Comprehensive Plan. Public workshops began in November 2005 at the Elkhorn Middle School and Westridge Elementary School. After a year of public meetings/workshops the Comprehensive Plan Committee unanimously supported to the Planning Commission the recommended Goals and Policies for the updated Comprehensive Plan.

On November 30, 2006, the Frankfort-Franklin County Planning Commission held a public hearing to consider the recommended Goals and Policies from the Comprehensive Plan Update Committee. The public hearing was closed (ten citizens spoke in support of the proposed Goals and Policies – no one spoke in opposition) and the Planning Commission approved the recommendation and recommends that each local government adopt the supported and proposed Goals and Policies for the updated Comprehensive Plan. The motion to recommend approval of the requested Goals and Policies passed unanimously by a vote of 8-0.

The City Commission held the first reading of this ordinance on December 14, 2006. After discussions concerning the ordinance at the February 12th work session, and with the cooperation of Fiscal Court, both governmental agencies agreed to form a joint 4-member committee to resolve concerns relating to the proposed goals and policies. After meeting on 4 separate occasions, the joint committee unanimously supported a revised version of the Goals and Policies. Therefore a new First Reading of the proposed Ordinance is necessary.

Recommendation: Approval

Attachments:

- Ordinance with the amended Goals and Policies per the Joint City/County Committee
- Staff Report reviewed by the Frankfort/Franklin County Planning Commission
- Minutes from the November 30, 2006 meeting

Contact Person

Name: Gary Muller Title: Director

Department: Planning and Building Codes

Phone: 502/875-8500

E-mail: Gmuller@frankfort-ky.com

4. ORDERS

5. **RESOLUTIONS**

5.1 Resolution authorizing the filing of an application for 2007 Land and Water Conservation Fund.

Purpose: To consider approval of a Resolution authorizing the submission of a 2007 Land and Water Conservation Grant for utility burial at Cove Spring Park/Nature Preserve and authorizing the Mayor to sign all grant documents.

Background: The utility lines at Cove Springs are currently above ground. This grant would enable the City to bury the utility lines and make the park/nature preserve more attractive to visitors and bring it back to a natural state.

TOTAL grant request

\$ 12,000

Financial Analysis: There is a 50% match required by the City for this project. Some of the match will come from in-kind donations and in-kind labor. If additional match is needed there are available funds in the Cove Spring Revolving Account No. 640.

Recommendation: Approval

Attachment:

Resolution

Contact Persons:

Name:Andrew CammackRebecca HallTitle:City ArboristGrants ManagerDepartment:Parks & Rec.City Manager.Phone:502-875-8575502/352-2076

E-Mail: Acammack@fewpb.net Rhall@Frankfort-ky.gov

5.2 Resolution authorizing the filing of an application for a Federal Survey and Planning Funds Grant and authorizing the Mayor to execute all grant-related documents.

Purpose: To authorize the filing of an application for a Federal Survey and Planning Funds Grant and designating the Mayor to execute all grant related documents.

Background: As a certified local government, the City of Frankfort is eligible for Federal Survey and Planning Funds administered by the Kentucky Heritage Council. Downtown Frankfort, Inc. would apply for funds to prepare nominations to the National Register of Historic Places. The amount requested will be \$9,600 with Downtown Frankfort, Inc. providing an in-kind local match of \$6,400 for this project. A Resolution from the City is required as part of the full application package.

Financial Analysis: Downtown Frankfort, Inc. will be responsible for the local match; the City has no financial responsibility.

Recommendation: Approval

Attachment:

Resolution

Contact:

Name:Harry CarverRebecca HallTitle:Executive DirectorGrants ManagerDepartment:Downtown Frankfort, Inc.City ManagerPhone:502/223-2261502/875-8500

E-Mail: info@downtownfrankfort.com Rhall@Frankfort-ky.gov

6. CONSENT CALENDAR

Items on the Consent Calendar are considered to be routine by the Board of Commissioners and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Board member so requests, in which event the item will be removed from the Consent Calendar and considered separately. The City Manager will read the items recommended for approval.

6.1 To authorize the Mayor to sign a Contract with Kentucky State University (KSU) allowing use of excess equipment at the Wastewater Treatment Plant (WWTP) for use by the KSU Aquaculture Research Center (ARC)(Sewer Department).

Purpose: The purpose of this item is to authorize the Mayor to sign a contract with KSU to allow the ARC to utilize excess equipment at the WWTP for an experimental program to grow fish fry and harvest

juvenile fish. Additionally, the ARC will harvest daphnia from the plant clarifiers to be used as a food source for the fish.

Background: Representatives of the Frankfort Sewer Department and representatives of the ARC have been discussing for several years methods for utilizing the effluent water from the WWTP in some aspect of the program. With some recent process changes, the WWTP currently has some excess tanks that the ARC has requested to use to grow larval fish.

The contract has a one year duration; however, we anticipate that should the trial be successful that this could become a long-term agreement as long as the excess tanks are not needed by the Department. This is the same arrangement that was negotiated last year.

Financial Analysis: KSU will pay the City an amount of \$1,000 this year to offset the cost of utilities to operate the tanks and other miscellaneous costs.

Recommendation: Approval

Attachment:

 Contract (Has been prepared by City Attorney, reviewed by Sewer Department and currently being signed by KSU)

Contact Person

Name: William R. Scalf, Jr., PE

Title: Director Department: Sewer

Phone: 502/ 875-2448

Email: wscalf@frankfort-ky.gov

6.2 Authorization to advertise and solicit bids for upfitting the Dodge Sprinter 3500 van used by the Tactical Response Unit (Police).

Purpose: The purpose of this item is to request authorization to advertise and solicit bids for upfitting one Dodge Sprinter 3500 Cargo Van.

Background: The Dodge Sprinter 3500 Cargo Van was purchased as a hollow unit with the intent to customize the interior with seating, storage, equipment, heating and air-conditioning for the eight – ten member Tactical Response Unit. This vehicle is designed as a transport, equipment storage, and command unit for the Tactical Response Unit.

Financial Analysis: Funds are available in the Police Department Asset Forfeiture U.S. Justice Account. These monies can only be used for law enforcement purposes.

Recommendation: Approval

Attachment:

Specifications

Contact Person

Name:Walter M. WilhoiteAngie DisponetteTitle:Chief of PolicePurchasing Agent

 Department:
 Police
 Finance

 Phone:
 502/875-8523
 502/875-8500

Email: mwilhoite@frankfort-ky.gov adisponette@frankfort-ky.gov

6.3 To award bids for pool chemicals for the 2007 swimming season (Parks and Recreation).

Purpose: To award bids for pool chemicals for the 2007 swimming season.

Background: On February 4, 2007 the Parks and Recreation Department mailed out its annual invitation to bid for pool chemicals for the 2007 swimming season, to seven potential bidders.

Bids were opened at 10:00 a.m. on February 21, 2007 at the Juniper Hill Park office. The following low bids are recommended for award:

1) O.P. Aquatics - Lexington, KY

Item #1: 55 Lb. Drums Calcium Hypochlorite Tablets \$ 96.50 per drum

With Scale Inhibitor

Item #3: 6 - 15 Gal. Drums Muriatic Acid \$ 27.44 per drum

Item #4: 40 -25 Lb. Drums Granular Cynauric Acid \$ 39.20 per case

2) Ulrich Chemical – Georgetown, KY

Item #2: 4 – 55 Gal. Drums of 20 Deg. Muriatic Acid \$105.00 per drum

Financial analysis: The anticipated cost for pool chemicals is \$17,500 annually, half of which is budgeted in Division 82 this fiscal year ending June 30, 2007, and the rest of this contract in July and August, 2007. Funds are available in Account No. 100.82.54335.

Recommendation: Approval

Attachments:

• Bid Tabulation Sheets

Contact Person:

Name: Steve Brooks
Title: Director

Department: Parks & Recreation **Phone:** 502/875-8575

E-Mail: Sbrooks@frankfort-ky.gov

6.4 Authorization to award contract to GBA Master Series, Inc. (gbaMS) for purchase of Work Order Program to schedule and track customer requests for service and trouble calls (Sewer Department).

Purpose: The purpose of this item is to authorize award of contract to gbaMS for purchase of Work Order Program to schedule and track customer requests for service and trouble calls.

Background: The Sewer Department recognized several years ago that a more user friendly and robust work order program was needed to track customer requests, trouble calls and routine maintenance. For the past year we have been evaluating several comparably sized communities that utilize similar software.

A Request for Qualifications, with the assistance of PlanGraphics, was published several months ago and the Sewer Department has been evaluating qualifications of four different firms that submitted Statements of Qualifications. This was narrowed to two vendors that met our basic needs and price quotes were obtained from both vendors. The low bidder, GBA Master Series, Inc. at \$48,615 has been selected. Included in their bid are additional costs as tabulated below:

Base Bid \$ 48,615 Training \$ 10,000 ArcGIS Server \$ 16,322 Sewer Dept Total \$ 74,937

Additionally, included in their bid is a Work Master seat for Public Works (\$4,400) and a Tree Master seat for Parks (\$2,400).

Financial Analysis: Funds are available in Account No. 300.68.56551 for Sewer, Account No. 100.61.53285 for Public Works, and Account No.100.86.53210 for Parks.

Recommendation: Approval

Attachments:

- Proposal from GBA Master Series, Inc.
- Software and Services Agreement
- Licensing Agreement

Contact Persons

Name:William R. Scalf, Jr., PEJulsun PachecoTitle:DirectorIT ManagerDepartment:SewerCity ManagerPhone:502/875-2448502/875-8500

Email: wscalf@frankfort-ky.gov jpacheco@frankfort-ky.gov

6.5 To authorize Requests for Proposals (RFP) for purchase and installation of audio and recording equipment for the Municipal Building Council Chamber (City Manager).

Purpose: To authorize Request for Proposals for purchase and installation of audio and recording equipment for the Municipal Building Council Chamber.

Background: The audio and recording systems for the Council Chamber are in need of replacement. The existing audio system is inefficient and does not properly amplify the sound of the speakers to be heard by those in the audience. The tape recording system actually failed recently to record City Commission and Code Enforcement Board meetings

Financial Analysis: Funds are available in contingency Account No. 100.95.56295.

Recommendation: Approval

Attachment:

Request for Proposals

Contact Person:

Name: Tony Massey
Title: City Manager
Department: City Manager
Phone: 502/875-8500

Email: Amassey@Frankfort-ky-gov

6.6 To amend the construction contract with Affholder, Inc for the East Main Outlet (EMO) Project (Public Works).

Purpose: To amend the construction contract with Affholder, Inc for the East Main Outlet (EMO) Project.

Background: The construction phase for the East Main Outlet Project was to have been completed on or before 1/7/07, but the work is not yet complete. The City wishes to provide incentive to Affholder to insure completion and both parties agree to the following terms:

- 1. Affholder agrees to complete the grading portion of the project on or before 3/31/07 and the remaining work under contract by 4/15/07.
- Affholder agrees to reimburse the City for the direct costs resulting from the late completion of the construction of the East Main Outlet Tunnel.
- 3. City agrees to waive any claims it may have against Affholder for liquidated damages due to failure of Affholder to complete the work on or before 1/7/07.

Financial Analysis: Affholder, Inc. agrees to reimburse the direct costs resulting from the late completion of the project.

Recommendation: Approval

Attachments:

Amendment No. 4

Contact Person

Name: Jeff Hackbart
Title: Director
Public Works
Phone: 502/352-2091

E-mail: jhackbart@frankfort-ky.gov

6.7 To authorize release of a Sewer Easement in favor of Kentucky Manufactured Housing Institute (Sewer Department).

Purpose: Authorization to sign a Release of Easement releasing a sewer easement in an unnecessary location on the property of Kentucky Manufactured Housing Institute, and the Kentucky Manufactured Housing Institute signing of a new Easement granting a sewer easement across its property at the proper location.

Background: The Kentucky Manufactured Housing Institute contacted the Sewer Department and requested the relocation of the sewer easement on their property. The Sewer Department has determined that the relocation of this easement is proper.

Recommendation: Approval

Attachments:

Easement release

Contact Person:

Name:Bill ScalfRobert C. MooreTitle:DirectorCity Solicitor

Department: Sewer

Phone: 502/875-2448 502/227-2271

E-Mail: Wscalf@frankfort-ky.gov rmoore@hazelcox.com

6.8 Personnel Action Resignation Employee Department Sanitation Sanitation Date Other Tech I

Justin Austin

Sanitation

3-9-07

Tech III; authorize payment of all accrued time as of effective date.

Conditional Offer of Employment

Darius B. Hankins - Patrol Officer I, Police Department *

* Contingent upon successful completion of physical, psychological, polygraph and drug screen examinations.

Contact Person

Name: John Morrow Title: Director

Department: Human Resources **Phone:** 502/875-8500

E-mail: Jmorrow@frankfort-ky.gov

7. BOARD APPOINTMENTS

- **7.1** Code Enforcement Board:
 - Reappointment of Natalie Wilkerson for a three-year term ending 3-22-10

Attachments:

- Letter of recommendation from Mayor May
- Resume for Natalie Wilkerson

8. OLD BUSINESS

9. NEW BUSINESS

9.1 An Order authorizing the Mayor of the City of Frankfort to sign the Employment Agreement with the City Manager.

Purpose: To obtain approval of an Order authorizing the Mayor to sign the Employment Agreement between the City of Frankfort and the City Manager.

Background: The Board of Commissioners directed the City Solicitor to prepare an employment agreement for the City Manager. The Employment Agreement was prepared in accordance with the direction of the Board of Commissioners.

Recommendation: Approval

Attachments:

- Order
- Employment Agreement

Contact Person:

Name: Robert C. Moore
Title: Department
Department: City Manager
Phone: 502/227-2271

E-Mail: rmoore@hazelcox.com

10. CITIZEN COMMENTS

11. COMMISSIONER COMMENTS

12. ADJOURNMENT